

Ervin Subcommittee to Study Freedom of Press

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A Senate Judiciary subcommittee is planning a broad study of freedom of the press and of a series of recent official actions against reporters and news media.

Sen. Sam J Ervin Jr., D-N.C., subcommittee chairman, expects to hold hearings that may continue for more than a month this fall.

Aides said Ervin had been thinking of such a study for more than two years, and decided to go ahead with it after the government tried to stop newspapers from publishing the se-

cret "Pentagon papers," and an attempt was made to force the CBS network to disclose how it made the television documentary, "Selling of the Pentagon."

So far, only one specific piece of legislation is expected to be analyzed during the investigation, a subcommittee source said.

That is a bill, introduced March 23 by Sen. James Pearson, R-Kan., with 13 co-sponsors, to forbid federal courts, juries, or agencies to force newsmen to disclose confidential sources or information.

However, it is possible that the subcommittee may offer a proposal in favor of full press free-

dom for the broadcast industry, sources said.

The subcommittee study is also expected to examine these other issues:

The power of grand juries and congressional committees to issue subpoenas to reporters or news organizations.

The year-old guidelines issued by Atty. Gen. John N. Mitchell to control subpoenas to require newsmen to give information to criminal investigations.

The effect on the freedom of TV and radio broadcasters when the Federal Communications Commission regulates, through "equal time" and "fairness doc-

trine" rules, what may be broadcast.

And, the use by police or federal agents of press cards or other press credentials as a "cover" for watching over demonstrations or other public events.

In studying the Justice Department's court challenge against three newspapers which published the secret Pentagon study of the Vietnam war, the subcommittee will probe not only court orders to forbid publishing stories, but also possible criminal cases to punish newspapers after stories have appeared.

So far, the department has made no attempt to prosecute newspapers for printing stories about the Pentagon documents. But two grand juries, in Boston and Los Angeles, are understood to be examining how newspapers got the secret study.

The subcommittee's analysis of the First Amendment rights of broadcasters will be designed, aides said, to see if the scope of those rights is less for TV and radio because they are government-regulated than for newspapers and magazines, which are not regulated.

During the attempt to cite CBS for contempt for refusing to

hand over materials it gathered for its documentary, but did not actually use on the air, several members of the House argued that broadcasters enjoy less freedom than other news outlets.

The general question of subpoenas to force newsmen or news organizations to supply information to official investigators is now under review in the Supreme Court. A test case involves an attempt by the government to require a New York Times reporter, Earl Caldwell, to appear and testify before a grand jury investigating the Black Panthers movement.